

Ropers Majeski Kohn & Bentley  
A Professional Corporation  
Redwood City

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LIBERTY LIFE ASSURANCE COMPANY OF  
6 BOSTON, THE SYNOPSYS, INC GROUP  
DISABILITY INCOME PLAN

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11  
12 MICHAEL MOODY,

CASE NO. C-07-01017 MHP

13 Plaintiff,

14 v.

15 LIBERTY LIFE ASSURANCE  
16 COMPANY OF BOSTON, LIBERTY  
MUTUAL GROUP, INC. dba LIBERTY  
MUTUAL GROUP, THE SYNOPSYS,  
17 INC. GROUP DISABILITY INCOME  
PLAN AND DOES 1 through 20,  
inclusive,

STIPULATION AND [PROPOSED]  
ORDER THAT THE APPLICABLE  
STANDARD OF REVIEW TO BE  
APPLIED BY THE DISTRICT COURT IS  
AN ABUSE OF DISCRETION; REQUEST  
FOR FURTHER CASE MANAGEMENT  
CONFERENCE

18 Defendants.  
19

20 Plaintiff Michael Moody, through his attorney of record, Brian Kim of Pillsbury &  
21 Levinson, LLP, and defendants Liberty Life Assurance Company of Boston and The Synopsys,  
22 Inc. Group Disability Income Plan through its counsel of record, Pamela E. Cogan of Ropers,  
23 Majeski, Kohn & Bentley, STIPULATE AS FOLLOWS:

24 WHEREAS, this action is subject to and governed by the Employee Retirement Income  
25 Security Act of 1974 ("ERISA");

26 WHEREAS, plaintiff seeks disability income benefits under an employee welfare plan  
27 established by his former employer Synopsys, Inc. ("the Plan");  
28

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1 WHEREAS, the Plan is insured by a group disability income policy issued by Liberty Life  
2 Assurance Company of Boston to Synopsys, Inc. ("the Policy");

3 WHEREAS, the Policy and the Summary Plan Description for the Plan confer sole  
4 discretion on Liberty Life Assurance Company of Boston to construe the terms of this policy and  
5 to determine benefit eligibility hereunder;

6 IT IS HEREBY STIPULATED between the parties that the standard of review to be  
7 applied by the Court is an abuse of discretion as articulated by the United States Supreme Court  
8 in Metropolitan Life Insurance Company v. Glenn, (2008 U.S. Lexis 5030) and the Ninth Circuit  
9 in Abatie v. Alta Health & Life Ins. Co., 458 F.3d 955 (9th Cir. 2006).

10 The parties further request that the Court set this matter for a further Case Management  
11 Conference at this time to set further scheduling dates.

12 Dated: June 24, 2008

13 ROPERS, MAJESKI, KOHN & BENTLEY

14 By:

15 PAMELA E. COGAN  
16 JOANN BABIAK  
17 Attorneys for Defendants  
18 LIBERTY LIFE ASSURANCE  
19 COMPANY OF BOSTON, THE  
20 SYNOPSYS, INC GROUP DISABILITY  
21 INCOME PLAN

22 Dated: June 24, 2008

23 PILLSBURY & LEVINSON, LLP

24 By:

25 BRIAN KIM  
26 Attorneys for Plaintiff  
27 MICHAEL MOODY

~~PROPOSED~~ ORDER

**IT IS SO ORDERED.** The standard of review to be applied by this Court in this ERISA action will be an abuse of discretion.

The parties request for a further Case Management Conference is GRANTED.

Dated: July 3, 2008



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